



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/009,218	02/05/2002	Wolfgang Schmutz	390-010641-US(PCT)	5544

2512 7590 07/15/2003

PERMAN & GREEN  
425 POST ROAD  
FAIRFIELD, CT 06824

EXAMINER

BRAHAN, THOMAS J

ART UNIT	PAPER NUMBER
----------	--------------

3652

DATE MAILED: 07/15/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
10/009,218

Applicant(s)  
SCHMUTZ et al

Examiner  
Thomas J. Brahan

Art Unit  
3652



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE THREE MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on Feb 2, 2002
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☒ Claims 1-16 are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some\* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\*See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s). 5 6) ☐ Other: \_\_\_\_\_

1. This application contains claims directed to the following patentably distinct species of the claimed invention:

Species I shown in figures 1 and 2.  
Species II shown in figure 3.

2. Applicant is required under 35 U.S.C. § 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, it is unclear as to which claims are generic.

3. Applicant is advised that a response to this requirement must include an identification of the species that is elected consonant with this requirement, and a listing of all claims readable thereon, including any claims subsequently added. An argument that a claim is allowable or that all claims are generic is considered non-responsive unless accompanied by an election. Upon the allowance of a generic claim, applicant will be entitled to consideration of claims to additional species which are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141. If claims are added after the election, applicant must indicate which are readable upon the elected species. M.P.E.P. § 809.02(a). Should applicant traverse on the ground that the species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. § 103 of the other invention.

4. To expedite prosecution, an action on the merits of all the claims follows.

5. The disclosure is objected to because of the following informalities. On page 1, line 6, on page 2, lines 4 and 23, on page 3, lines 3, 6, 9, 17, 20 and 25, and on page 4, line 2, the specification discusses the invention by referring to specific claims. Unless applicant will be amending the specification at these places each time the claims are amended, the discussion of the invention should not include a reference to a specific claim. Page 5, line 1 reads that the substrates are stacked on top of each other. this appears to be

a translation error as substrates are not normally considered as stacked. Page 8, line 16 refers to locking units 48 which should be locking units 18. Appropriate correction is required.

6. The drawings are objected to under 37 C.F.R. § 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the boxes arranged in a row arrangement and the boxes arranged in a column arrangement, as recited in claim 1, the plural locking units of claim 2, the plural sluice doors of claim 3, the ceiling of claim 4, the manipulating device between working chambers and the manipulating device below working chambers of claim 9, and the manual or the automatic loading device of claim 15 must be shown, or the features must be canceled from the claims. No new matter may be entered.

7. The following is a quotation of the first paragraph of 35 U.S.C. § 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

8. The specification is objected to under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate description of the claimed invention.

- a. The structure of the sluice device and its locking units is not understood. The specification has one sluice device with one or more locking units, see page 5, lines 8 and 9. However the claims recite each locking unit has a sluice door, see claim 3, as to make it unclear as to what element applicant is considering as a locking device, or as a sluice door. How is applicant considering the second manipulating device (31) as underneath or between the locking units 18, as recited in claim 11?
- b. It is unclear as to how the applicant is considering the input/output openings as having a manual loading device or an automatic loading device, as recited in claim 15. This feature is discussed broadly at the bottom of page 5 of the specification, but no structure is assigned for this function and it is not shown in the drawing figures

9. Claims 2-8 and 15 are rejected under 35 U.S.C. § 112, first paragraph, for the reasons set forth in the objection to the specification.

10. The following is a quotation of the second paragraph of 35 U.S.C. § 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which applicant regards as his invention.


11. Claims 1-16 are rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The claims are generally narrative and indefinite, failing to conform with current U.S. practice. They appear to be a literal translation into English from a foreign document and are replete with grammatical and idiomatic errors. For example:

- a. The claims are replete with nouns which lack articles (definite or indefinite) as to fail to indicate if applicant is further limiting a previously included element or if applicant is introducing a new element. For example claim 2, line 2 refers to a "sluice device 17" instead of stating "the sluice device" or "said sluice device"
- b. Claim 1, line 1 begins "Device (10) for manipulating substrates (11) inside and outside an ultraclean room (15). However the reference numeral 10 refers to the entire structure including the clean room and the storage room. It does not refer to a device for moving substrates between these areas.
- c. Claim 1, at lines 1-3, recites a "Device (10) for manipulating substrates (11) inside and outside an ultraclean room (15) with a sluice device (17)". This limitation is only positively reciting a device as part of the claimed combination of elements. The ultraclean room and the sluice device are only recited as part of the function for the device. The claim fails to positively claim the ultraclean room or the sluice device. Lines 3-5 of claim 1 recite "provided between a storage room (20) and the ultraclean room (15). This also merely recites the location of the device as between two other elements. It does not provide a positive inclusion of the elements. It is also unclear as to what element applicant is considering as being provided between the storage room and the ultraclean room, as the comma in line 3 separates the verb "provided" from the noun "sluice device", as to have the

"provided" refer back to the noun "device". However it would make more sense to have the sluice device between the storage room and workroom, not the device. Lines 4 -7 of claim 1 recite "by means of which a substrate cassette (12) accommodated under ultraclean room conditions in a box (13) can be removed from box (13) or reintroduced into this box, is a functional statement which does not provide clear antecedent basis for the cassette or the box. In lines 7-9 of claim 1, the limitation "and with a first manipulating device (51) by means of which substrates (11) can be placed in cassette (12) and can be removed from this cassette" positively claims the manipulating device (51) but does not positively claim the substrate or the cassette. Thus in claim 1, lines 9-12, the limitation "is hereby characterized in that the storage room (20) for a multiple number of cassette boxes (13) is accommodated in row and/or column arrangement on substantially the entire ultraclean room workroom", the only limitation in the "improvement" portion of the claim, is a limitation which is drawn to structures which are not positively included in the claimed combination of elements.

- d. In the penultimate line of claim 1, the limitation "in a row and or column arrangement" is not understood. The specification teaches one arrangement for the cassette boxes. This arrangement includes the boxes in rows and in columns. It is unclear as to how the applicant can claim an arrangement with the boxes arrange only in rows or only in columns.
- e. In claim 2, it is unclear as to how applicant can recite "one or more locking units" which operate independently. How can one locking unit be considers as operating independent of another?
- f. In claim 3 the term "the sluice door" lacks antecedent basis within the claims. It is also unclear as to what the applicant is the sluice door of each locking unit.
- g. In claim 4, the terms "the floor" and "the ceiling" lack antecedent basis within the claims.
- h. Claim 8 is not understood. How is applicant considering a lifting device for the cassettes and cassette boxes as assigned to each locking unit?
- i. Claim 9 is not understood. How is applicant considering the first manipulating device (51) as underneath or between working chambers (42-44)?
- j. Claim 10 is not understood. How is applicant considering the first manipulating device (51) has being at floor (24)? Floor (24) is part of the storage room (20).

- k. Claim 11 is not understood. How is applicant considering the second manipulating device (31) as underneath or between the locking units 18?
  - l. In claim 12, the terms "the bottom" and "the cover side" lack antecedent basis within the claims.
  - m. Claim 16 is confusing as it refers to the manipulating devices (31 and 51), but this claim depends from claim 1 which does not recite both manipulating devices.
12. The indefinite nature of the claims prohibits rejections based upon prior art.
13. An inquiry concerning this action should be directed to Examiner Thomas J. Brahan at telephone number (703) 308-2568 on Mondays through Fridays from 9:30-7:00 EST. The examiner's supervisor, Ms. Eileen Lillis, can be reached at (703) 308-3248. The fax number for Technology Center 3600 is (703) 305-7687.

 7/9/03  
**THOMAS J. BRAHAN**  
**PRIMARY EXAMINER**